



Tribal Engagement Scoping Workshop DRAFT Summary

**CALIFORNIA WATER PLAN UPDATE 2013
TRIBAL ENGAGEMENT SCOPING WORKSHOP
SEPTEMBER 9, 2010 10:00 AM – 4:00 PM
LIBRARY AND COURTS BUILDING, ROOM 340
900 N STREET, SACRAMENTO, CA**

WORKSHOP GOALS:

1. Review Tribal engagement for Update 2009
2. Introduce key components and process for Update 2013
3. Discuss proposal for Tribal engagement for Update 2013

Tribal Engagement Recap Conference Call:

September 28, 2010

Toll-free call-in number: 866-699-3239

Access code: 206 888 47

The following summary is a general assessment of comments and presentations and not intended as a transcription of the meeting proceedings. Comments, clarifications or corrections should be sent by October 11, 2010 to Lewis Moeller, DWR, P.O. Box 942836, Sacramento, CA, 95436-0001 or via email to lmoeller@water.ca.gov.

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Welcome and Introductions

Atta Stevenson opened the workshop with a blessing.

Paul Massera, Manager for Statewide Integrated Water Management for the Department of Water Resources (DWR), began the workshop by remarking that contributions by Tribes have and will continue to improve updates of the California Water Plan. He noted that the purpose of the workshop was to share a proposal for establishing a relationship with Tribes for Update 2013. Paul introduced Mark Cowin, Director of DWR.

Director Cowin thanked workshop participants for their time and efforts spent working on Update 2009 and their commitment to Update 2013. He reflected that his involvement with the Water Plan spans the length of his career with DWR, beginning in 1981. It is not uncommon for progress and movement to be accompanied by frustration, at times, and a commitment to sustained effort. Sustained effort needs a vision. The Water Plan provides a vision and Director Cowin is proud of what has been accomplished over the last decade; especially in surfacing the priorities and interests of all Californians. That wouldn't be possible without the help of Tribal involvement. There has been significant progress in working with Tribes. That foundation can be built upon to make Update 2013 even more reflective of Tribal interests and to help educate and inform other water policy makers throughout the state. Director Cowin anticipated a productive workshop for scoping the Update 2013 Tribal engagement approach.

Stephanie Lucero introduced herself, her position with Indian Dispute Resolution Services, and her role as an independent facilitator for the workshop. A quick review of the agenda and the workshop guidelines was provided. Stephanie noted that the workshop provides opportunities to express and discuss ideas. Specifically, the purpose of the workshop is scoping – for the Tribal engagement process and also for content. She introduced the first presentation by observing that in order to look forward, it is important to consider the past.

Where We Have Been

Update 2009 Recap

Kamyar Guivetchi began by thanking workshop participants for traveling long distances to be involved and by welcoming both familiar and new faces. He provided an overview of Update 2009, which focused on integrated water management and sustainability. This brings greater attention to inter-regional water relationships. Emphasis was placed on how the State of California can help regions be successful in managing water resources. Strategies, financial assistance and technical support represent different methods for supporting regional efforts.

Kamyar described key features of Update 2009, as well as the collaboration process and format of the final report. He explained that different state agencies were involved in Update 2009 and that new approaches were advanced for water planning and management. Greater emphasis was placed on uncertainties and risks, and on approaches with long-term sustainability. Much of the

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work was related to scenarios and factors that are most likely to shape the future. To respond to changing conditions, integrated water management seeks options and approaches that yield multiple benefits. The Resource Management Strategies provide a toolbox of options for water planners to use throughout the regions of the state. Better data and analytical tools will advance the understanding of these options for addressing water quality, water supply, and flood issues.

Tribal Communication Plan

When developing the collaboration approach for Update 2009, DWR made Tribal engagement a priority. The Department wanted to learn about how to better engage with Tribes and invited participation on the Tribal Communication Committee. That committee developed a Tribal Communication Plan, which was a first for state government. The plan also supported greater Tribal involvement in regional and Resource Management Strategies workshops. The strategies are far more comprehensive than a decade ago. Forest management, a new strategy, was the result of a suggestion made at the first Tribal plenary.

Tribal Water Summit

The Tribal Water Summit was also the result of the Tribal Communication Plan. Held on November 4-5, 2010, the Summit involved 66 California Tribes, 15 Tribal organizations, 13 state agencies and 8 federal agencies. The proceedings were incorporated into the Update 2009 Reference Guide and printed as a stand-alone document. The Summit proceedings and video are also available online.

Questions and Comments

Discussion Thread on data for measuring water supplies

Question: The “butterfly diagram” shows the Colorado River as stable source of supply. How stable are those supplies?

Response: The diagram shows the amount of Colorado River water that was directed to California for those years. The Settlement Agreement allocates water deliveries to the States adjacent to the river. The years shown were not critically dry. During very dry years, states would reduce their allocations.

Question: Were Colorado Tribes’ water rights and needs considered in the allocation?

Response: The allocations were made to the states and Tribal supplies are a portion of the state allocation.

Comments: It was observed that if there is reduced water flow, Colorado allocations affect the supplies. The “butterfly diagram” does not seem to take into account the Colorado usage. The comment further clarified that if these assessments are intended to look at most likely scenarios it should consider the effect of Colorado water usage in dry periods and increased use by senior water rights holders (For example, the possibility of greater water usage and development by Colorado Tribes).

Question: Is there a discussion of water governance?

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Response: Descriptions of water governance appear in two places in Volume 1: Chapter 3, Companion State Plans and Chapter 4, California Water Today. These two sources discuss regulation, use, and allocation of water in California. There is a longer description in the reference volume.

It was noted that the primary concern was the need for assessments to look more regionally and across state borders, taking into consideration the flow of the water source in the assessments, including when necessary considering out of state water sources, allocations, and usage.

Comment: Tribes are mentioned in only a few places in Volume 1. It would have been nice to have more mention of Tribes, especially given the level of participation. For example, giving credit for the Forest Management strategy and perhaps a section on Tribal water concerns.

Response: Kamyar acknowledged the desire for better integration of Tribal input throughout the Water Plan.

Summary of Points:

- Assessments should look regionally/out of state to take into consideration where water sources travel and where they are utilized (i.e. Colorado state assessments included in discussing Colorado River allocations).
- The need for greater acknowledgement of Tribal contributions in Water Plan Updates.
- The critical issues strategies addressed during the 2009 Water Summit should be carried forward and addressed. (See 2013 Overview and Collaboration Process for further details.)
- Need to follow-up with 2009 TCC. (See 2013 Tribal Engagement Proposal for further details.)

Update 2013 Overview and Collaboration Process

Lewis Moeller, Chief of the Water Resources Evaluation Section, is the Project Manager for Update 2013 and replaces Paul Dabbs who retired during 2010. He reviewed the scoping activities used to refine the collaboration process for Update 2013. Input on the process was provided by the: current outreach process, Tribal Water Summit, Tribal Communication Plan, Update 2013 Kickoff Workshop, and Tribal Engagement Scoping Workshop.

As with Update 2009, the collaboration approach will be reviewed throughout the Update 2013 timeframe. Mini-assessments and other sources of feedback will inform the outreach and collaboration efforts, with changes and improvements introduced as needed. The involvement of multiple interests and audiences is essential for drafting, reviewing and revising Update 2013. Collaboration can support the work of the Water Plan and project team by extending and maximizing staff resources – beyond what the initial feasibility appears to be.

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Lew introduced the project timelines, including the content schedule and major milestones. The process to support the work of Update 2013 proposes to modify the current approach as follows:

- Tribal outreach and engagement through the Tribal Advisory Committee
- Regional outreach and involvement through Regional Forums
- Use of Topic-based Caucuses for dialogue among stakeholders with common interests
- Creation of a Federal Agency Network

Questions and Comments

Comment: A plan has to include provision for execution. It would be good to greater emphasis on the role of the Water Board for executing the Water Plan.

Response: The Water Boards were an integral part of Update 2013 and providing significant support for incorporating water quality issues into the Water Plan. Their contributions were through their involvement in the Steering Committee.

Comment: Tribal expertise should be part of SWAN activities. Tribal people themselves are the subject matter experts, for example by seeing the indications of climate change or changes in fish habitat (water quality, water temperature). SWAN is all non-tribal, and the forum needs to receive and incorporate regional information and traditional tribal knowledge. Tribal voices need to be involved.

Response: The SWAN is a volunteer committee, mostly comprised of consultants. The group and their meetings are open to all. Those interested should contact Rich Juricich.

Comment: There is concern that the Tribal planning, efforts, and recommendations won't be implemented. There were discussions on flow meters for agricultural wells and water bottlers. Nothing has changed; there needs to be execution. Let's see it.

Question: Is there a venue for grape growers to be represented?

Response: Yes, the Public Advisory Committee and Topic-based Caucuses include agriculture.

Comment: How are the interests of neighboring states and countries considered? How are coastal interests addressed?

Response: The state-agency Steering Committee is expanding to 25 members, especially to bring in Coastal interests. Other additions are the Department of Toxic and Substance Control and the Board of Food and Ag.

Suggestion: CalEPA has a new Tribal Advisory Council. It would be good to give this presentation to them as well.

Comment: The big elephants in the room are: the Bonds of 2012; and privatization of public water. That's a big issue. In some areas, water levels have dropped 100 feet.

Question: What assurances are there that Tribes' interests will be continue to be involved with the Water Plan under a new administration?

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Response: The Tribal engagement proposal will likely endure the transition of a new Administration. This process involves a lot of participation and has received a great deal of support. A new administration is not likely to impede a process with the level of support we have.

Question: How will the emphasis on data, monitoring and performance measures relate to Tribes?

Response: The SWAN process is totally open to everyone. Tribes are welcome to share their expertise and experiences either through SWAN or through the regional offices. For example, Tito Cervantes has been working with Tribes in the Northern part of the state.

Question: What are the timelines for when committees will meet? Are there deadlines?

Response: The Steering Committee and SWAN have carried over from Update 2009. The Public Advisory Committee application process is underway. The Tribal Advisory Committee (TAC) process is the focus of this workshop. The hope is that TAC would be created by the end of this year, and convened for their first meeting at the start of next year.

Timeline shown on Workbook page 8 indicates deliverables that are required. A majority of the work and assessments will be conducted between the dates set for those deliverables. *(Special emphasis was placed on the time frame between January 2011 and January 2012).*

Summary of Points:

- Ensuring execution and implementation of plans must be a component of the planning process.
- Tribal Traditional knowledge and input are essential to the SWAN process.
- Neighboring counties, states, and coastal regions must be included in the planning process (For additional comments see 2009 Recap).
- The privatization of water is a serious concern as well as future water bond initiatives. (For additional comments see Update 2013 Content.)

Tribal Engagement Proposal

Referencing page 11 in the workshop Workbook, Kamyar highlighted the different elements of the Tribal Engagement Proposal. This included:

- A listing of strategies or venues for Tribal engagement in Update 2013
- Four objectives, or areas of work, for the TAC
- Structure of the TAC: members from California Native American Tribes and Tribal Organizations (member and alternate selected by Tribe or Tribal Organization)
- Geographic representation
- Proposed quarterly meetings
- TAC selects 2-3 members to serve on Public Advisory Committee (PAC)
- Tribal Coordination Network – build on and connect existing Tribal liaison groups

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Details on these elements are provided in the Draft Tribal Engagement Proposal document (available on the DWR website <http://www.waterplan.water.ca.gov>).

Questions and Comments

Comment: There should be resources for members' participation. For example, reviewing notes or reimbursement of travel and per diem expenses.

Response: Item 7 of the Tribal engagement proposal addresses financial support. Reimbursement of travel and per diem costs can be made to state volunteers. This includes reimbursement for TAC meetings, Regional Forum meetings, and other official Water Plan meetings. Unfortunately it does not include staff time.

Question: What is the plan for representation on the public advisory committee?

Response: The TAC would select 2-3 members to serve on the public AC (PAC). The TAC could invite PAC representatives to attend TAC meetings.

Question/Suggestion: What happened to the TCC? TCC members should receive an email that says their work is over. Members of the TCC have been waiting to know what happened with the 2009 Update and the Tribal Water Summit. Close the 2009 work out and explain the new process and the role of the distribution list. The TCC was very effective in outreaching to tribal communities. Outreach will be needed to bring in the non-federally recognized Tribes. We need more outreach for Tribes to understand.

Comment: TCC members spent their own time and resources outreaching to Tribes in Update 2009.

Response: The composition of the TAC would not be static – people could join over time. The TAC itself, perhaps through sub-committees would be involved in outreach.

Comment/Suggestion: Scheduling conflicts need to be avoided whenever possible. The over-booking of meetings is very frustrating. For example, trying to participate in meetings about grey-water codes prohibited participation in other meetings. Some forums address micro-issues, others address macro-issues...both are important.

Response: DWR is working departments and agencies to better coordinate calendars internally. It will not be possible to eliminate all the time conflicts, particularly with agencies outside DWR and water planning. The Water Plan does not address the micro-issues. Sometimes, it will have to be a matter of setting priorities.

Comment/Question: Before working on another Water Summit, work must be done to address the critical issues of the last Tribal Water Summit. Will those issues be carried forward?

Question: Why is the Native American Heritage Commission on the Steering Committee? They cannot speak for Tribal interests or Tribal members. This seems like a rubber stamp. They are another agency without teeth. There needs to be a stronger advocate for making water available to Tribal people.

Comment: There was a seat for the NAHC for Update 2009 , but that seat stayed empty.

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Response from NAHC: Our agency is involved in the protection of sacred sites and burials. We want to facilitate consultation by sharing lists so that agencies can contact Tribes.

Comment: I like the plan and the idea. However, it took Europe years and years to send ambassadors. Tribes may not send people out as formal representatives. That could raise fears and internal disputes. Official designations often result in a sudden death of a process. People may not participate if they think decisions will be made and that they are accountable for them.

Question: Did the FloodSAFE process require applications?

Response: Yes, applications were used to assure good representation. Also, all meetings are open to the public. FloodSAFE will be looking at the Water Plan approach, to have consistency across all departments. FloodSAFE is actively reaching out for Tribal participation in the Central Valley and statewide efforts.

Discussion thread on letter from Tribes, supporting an individual for the TAC

Comment/Concern: The different opportunities for Tribal involvement are admirable. However, I really take issue with Tribes having to apply to sit on a public agency. I fill out an application the best I can. Some Tribes have high degrees of illiteracy. There are tribal people who are not able to read or write well or at all, but are still functional and can contribute significantly to the water plan. Who says whether I am qualified to represent my own culture or comment on climate change? Agencies don't have the right or ability to approve Tribal representatives. They shouldn't have to justify their knowledge and inclusion.

Response: The process for the PAC did ask for applications. The proposal for the TAC is that Tribes or Tribal organizations would select who they want to sit on the TAC. We were told that members of Tribes are reluctant to speak about their Tribe's perspective versus their individual concerns without that type of authorization.

Comment: When I worked with Mayor Newscomb, did I represent the people of San Francisco? or the Tribes in the area? The application separates Tribes from the others. It is dividing us. It feels like we have to justify our existence in the Water Plan.

Clarification from Tribal member: The proposal is for a letter of support from the Tribes, it is not an application.

Comment: There is a whole group of people who are disenfranchised, who have been disenrolled by their Tribes. Those are the voices that we're supposed to be representing.

Discussion thread on Roles of TAC members

Comment: Whatever letter you want, or how you want to do it, the members are paper and information movers. The decisions are made by the Councils. TAC members do not speak for the Tribe. If they did, it gives the TAC members the same power as the Chair.

Response: Even on the PAC, that holds true. The Advisory Committee representative doesn't make decisions. They take information back to their Boards.

Comment: That needs to be made clear. Those recommendations come from the vote of the Council, the TAC member relays that information.

Comment: If the Council is left out, no Council will sign it.

Comment: I would agree. We (TAC members) do not hold decision-making authority, we advise. A TAC member is not a decision-maker for the Tribe.

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Question: Who will the TAC advise? Will state agencies be involved in the TAC? Will they make decisions? What progress is being made? What will the TAC do?

Response: The TAC would be advising the Update 2013 process; they bring up topics, assist in developing content, exchange information. Steering Committee members could attend TAC meetings, and two or three TAC members would sit on the PAC. None of the committees make decisions, they all provide recommendations. Where there are recommendations with significant agreement, those recommendations are part of the Water Plan.

Comment: Regarding the resolution, it would have to be spelled out that the individual is assisting the State with recommendations and not be making decisions on behalf of the Tribe.

Comment: Focus on the fact that the TAC is to highlight the issues of the Tribes. That Tribes are sending liaisons to discuss participation in the Water Plan. And raise and discuss issues of Tribal concern.

Response: Kamyar requested suggestions as to what the text should say. Those suggestions for wording would be very helpful.

Discussion thread on interacting with the SC

Question: Are there times when the TAC might be invited to the SC meeting?

Response: The SC meetings are not public meetings. The agency meetings are more effective when issues can be addressed internally before discussed with the public. The SC participants are more open with ideas and more effective with coming up proposed solutions internally through closed sessions first.

Comment: I agree, but that creates a one-way conduit. The messages can't be delivered in person.

Response: The SC has invited panels for presentations. If the TAC developed an issue that they wanted to present to the SC, they could. The SC meetings are not publicly noticed.

Comment: We have agencies, which are equivalent to municipal agencies.

Response: Local and federal agencies do not sit on the SC.

Comment: Coastal issues are important to Tribes. The Coastal Commission does not meet with Tribes, or use our cultures and traditions. The SC should incorporate some type of Tribal group. No one speaks for the Tribes on the Coastal Commission or the SC.

Response: The Steering Committee is composed of state agencies with authority or responsibility for issues relating to water management. DWR does not have the flexibility to change State Government. For the purpose of who sits on the State Agency SC, they are state agencies.

Comment: Agencies formulating policy don't include or represent the Tribes. If we are not represented at a Cabinet level, where is our governance?

Question: How much flexibility do you have? Does legislation require that only state agencies sit on SC? It is not sufficient to put it (Tribal ideas) into meeting notes.

Comment: The crux of the matter is that Tribes want a place at the table for government-to-government (g-2-g) meeting. Some groups in southern California are trying to acknowledge that at regional levels. It is the g-2-g relationship that has to be recognized.

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Response: The SC was not created by legislation. DWR convened it to have an integrated state water management approach. Different state agencies are now involved, that were not involved previously. The TAC can bring forward Tribal and coastal issues. The State does not have a consultation process with tribes. We want to continue to work and move forward with venues for dialogue with Tribes.

Comment: If the SC was convened by DWR it couldn't it allow tribal representatives to sit on the SC.

Suggestion: It seems like it makes sense that during the year there could be joint meetings, where the SC and TAC would meet together.

Comment from Bureau of Indian Affairs member: I want to thank you for having me here. Tribes and allotments have federally-reserved rights. Not just about policy, also a right to federal water reserves. I see a reaching out on both sides to manage the water resources of the State that is very important.

Comment: There are key items that are missing from the Summit Proceedings, including comments made by Lester Snow. These proceedings are well edited. If you compare this to the film, they don't match. The comment about flow meters on agricultural wells is an important example.

Question: Does the TAC have opportunities for closed discussion? Similar to RTOC caucuses or SC meetings, the TAC needs opportunities for closed sessions.

Facilitator: How would that be decided?

Suggestion: The TAC could decide who would be part of closed sessions. It could be members only. That would be their decision.

Comment: The proposal is not exactly clear on what the TAC will do. The recommendations from the Tribal Summit need to be followed through. Is that a charge for the TAC? The other area is to be working on the strategies. We only affected a few of the strategies. We've got 25 more to influence. The strategies are where those changes will be implemented. That's the ultimate high point of this committee. Direct involvement with state agencies is pivotal. When I speak, I want the State agencies to hear what I have to say. It's still not clear that the agencies will be here with us. We don't just want to be talking with other Tribes.

Comment: When we had the TCC, we worked together for a long time to develop things that would help all Tribes. It's going to take years to work some of these things out. The alternative is worse. It's important to send people to these meetings, to provide a voice. If you don't talk you're done.

It was observed that there is a steep learning curve for these issues and strategies addressed in the water planning process. The need to ensure that Tribes and tribal peoples that have that knowledge (from previous involvement in the process) are supported and respected in continuing discussions to ensure that knowledge is carried forward.

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Summary of Points:

- It is vital that Tribes and tribal communities are supported in their engagement in the process through reimbursement opportunities (for participation and outreach efforts conducted by tribal peoples).
- Continued engagement ensures that concerns, strategies and issues are carried forward and addressed. There needs to be continued action on the concerns and strategies addressed and developed in previous updates.
- The role of the TAC members must be clear. They are liaisons, information conduits, they cannot replace or appear to replace the role and responsibilities of tribal decision-makers.
- There is concern that requiring a letter of support for TAC members will disenfranchise some non-federally recognized Tribes or un-enrolled tribal peoples who seek to be part of the TAC.
- There needs to be follow-up with the 2009 Water Summit strategies and issues, Update 2013 must move forward in addressing issues identified in 2009.
- TAC cannot be solely a discussion among tribal peoples, there must be mechanisms to ensure that tribal concerns, issues, perspectives, and strategies are offered an audience with water plan decision-makers (i.e. the Steering Committee). There needs to be a mechanism for developing greater tribal interaction with state agencies on water issues.

Update 2013 Content

Paul Massera, Manager for the Strategic Water Planning, is the Program Manager for the Water Plan. For Update 2013, he fills the position held by Kamyar for Update 2009. Paul's presentation focused on the content areas for Update 2013. The scope regarding the content for this update was informed by different meetings and inputs, similar to the scoping activities for the outreach and collaboration process. The proposed content and potential enhancements build on the work of the two preceding Updates and looks at other topics that have been suggested over time.

The core elements of Update 2009 that will carry forward are the foundation components for Update 2013. These are listed and described on pages 16-17 of the workbook, along with suggested expansions (or refinements) for each component. The foundation components include the strategic plan, water data balances, regional reports, resource management strategies, companion state plans, reference guide, technical guide, future scenarios, and Assumptions and Estimates Report.

The Proposed Enhancements represent 18 topics for additional work. Some of the work involves taking a current aspect of the Water Plan to a new level, such as expansion of water quality issues. Other work involves new aspects, such as including near-coastal eco-systems and issues. These topics fall within five general themes: water resources; regional planning; collaboration; data, metrics, and analysis; and adaptive management. These topics will be prioritized for inclusion on the Project Management Plan through the scoping sessions that have been taking place including this workshop. The Plan is primarily a planning tool for the project team

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members, and a streamlined version will be posted on the website. Work on the proposed enhancements will be revisited periodically to assess workload feasibility in terms of available resources and project timelines.

Please submit comments, including prioritizing proposed enhancements to Update 2013 content by September 30 to cwpcom@water.ca.gov.

Questions and Comments

Question: Where would privatization of water be discussed?

Response: In groundwater and Environmental Justice sections.

David: WQ, watersheds and flood: Europe will have biodynamic separators on every stream. Would CalTrans be involved with that?

Comment: I think we failed to look at the health of estuaries. We don't talk about the impact of land use on water quality. We also don't talk about air quality or stagnant water. Air quality is a measuring tool for ecosystem health.

Response: Activities that impact the marine environment will be addressed in the Water Plan. Especially those on a regional level, such as desalination brine disposal. Looking at the more local levels, we are proposing that the regional reports would start to identify those problems and possible solutions. On the subject of land use, there's definitely an interface with water quality, supply and sustainability. As a note, the Air Resources Board serves on the SC.

Comment: Tribal social-economic impacts need to be brought into regional planning.

Response: A finance caucus would be the perfect venue for that discussion. The USGS has Resources' Sustainability Roundtable. This is a federal initiative and Bob Wilkinson is the California Coordinator. Direct involvement in the Round table would be helpful, as would participation in the SWAN.

Response: It might also be possible to look at this, at a high level, in the Water Management Progress report. Perhaps including recommendations from the Tribal Water Summit.

Comment: Flows are the issue that most people can grab onto. Really, contaminants are more the concern than just the flows. And specifically, the concentration of contaminants.

Response: That's important to note, instream flows are not the measure for environmental health.

Comment: The connections are between land use, flooding, and contaminant loading.

Comment: Using an adaptive management and living documents approach, is there a plan regarding catastrophic events and the impacts of those events? (E.g. contingency plans)

Response: Drought planning is currently being integrated into the Water Plan and water planning processes.

Comment: It seems that shorter horizons would be more closely aligned to execution and milestones.

Comment: Shorter timeframes will have a bigger impact on Tribal involvement. It can better show accomplishments and where progress has been made.

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Comment: Focusing on legislation that impedes new approaches could be a big accomplishment.

Response: That effort will probably fall into the California Water Management Report.

Response: We are looking at trying to fit all of this into an overarching Project Management Plan (PMP). The budget, scope and schedule are related and impact overall feasibility. Changing one area affects the others. In trying to prioritize the work plan for Update 2013, we need to identify which enhancements are most critical to try and accomplish first.

Comment: I don't see any discussion on the impact of the Water Bond. What happens if the Water Bond doesn't pass? What is the worst case scenario? It would be good to see the pros and cons associated with the bonds.

Response: The economic and finance team would be discussing that, looking for options to finance water management activities.

Comment: Prior to the Summit, we had conversations about the eligibility of Tribes to obtain funding. We need to include the history of water flows and floodplains.

Summary of enhancements identified as priorities and related considerations and resources:

- Water Quality: near coastal ecosystems, air quality as a measurement of ecosystem health integrated management with regional planning to assist in improving water quality integration to water plan, a consideration of contamination concentrations in water flows affects ability to use the available water.
- Ground water and Environmental Justice: privatization of water is significant consideration.
- Incorporation of Near Coastal water systems (see also Water Quality)
- Economic and Financial Planning Team: tribal socio-economic impacts, methods of financing water planning and tribal engagement without water bonds, tribal eligibility for DWR and water planning related grants.
- Linkages between land-use and water management: water quality and quantity is a significant consideration, regional water planning and urban water management planning efforts are a possible resources and considerations. (See also Water Quality)
- State Leadership: clarification and refining of state laws was an identified priority (see also tribal eligibility for water project funding).
- Tribal Engagement Process: shorter term milestones and measurable results will assist in engagement process.

California FloodSAFE and Other DWR Activities

FloodSAFE Presentation

Mike Mierzwa, FloodSAFE Communication Lead, provided an overview of the engagement and outreach activities associated with disbursement of flood bonds. He showed a map of different flood hazards throughout the State. FloodSAFE is responsible for flood management planning

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and activities to reduce flood risks. These responsibilities are outlined in sections of the Water Code. Traditional program areas deal with response plans and watersheds. Mike reviewed a history of the flood control system in the Central Valley, which was a federal project and in the 1950s was turned over to the State to maintain.

Legislation passed in 2007 details allocations for flood bond funds. Funds were distributed to multiple programs designed to increase capacity for dealing with floods. This included both structural and non-structural improvements. Mike described the primary and secondary objectives for flood management throughout the state, which involved environment/ecosystem protection, flood management and integrated water management. Taking an Integrated Water Management approach requires coordination across jurisdictions. For example, emergency response might involve the different local emergency preparedness and response plans.

Mike showed how state, federal and local roles relate to overall flood planning and management. He also provided a timeline and breakout of funding allocations across various programs. He concluded with a presentation on the current Central Valley Flood Protection Planning process and the upcoming effort for Statewide Flood Management Planning.

Questions and Comments

Question: How are Tribal needs addressed? Tribes are not part of the General Plans or Emergency Plans. What if there was a consortium of Tribes?

Question: Tribes are in dire need of assistance. How can Tribes be brought in to local emergency preparedness and response plans? Funding capabilities are a major constraint. Perhaps it would be best to create a consortium of Tribes.

Comment: There are no setback levees from here to the Delta. DWR programs need to incorporate setback levees and watershed improvements.

Response: Kamyar emphasized the need to look at ability for Tribes to receive funds – identified need to set guidelines specifying that Tribes are eligible to receive funds.

Comment: Tribes need to be part of the programmatic agreements when DWR is allocating funds for projects that impact Tribal lands.

Comment: I see where you show headwater regions. We are identifying watershed restoration areas and need access to funding. So far, it seems that the emphasis is major dams.

Question: Most flood management solutions were developed in the 50s. Are you looking at other options, such slow spread infiltrators and using permeable surfaces to leverage floodwater as a resource?

Response: FloodSAFE programs address both structural and non-structural solutions, including urban streams restoration and watershed restoration.

It was observed that there is a significant interest from Tribes for greater engagement in FloodSAFE efforts and programs. A suggestion was to have an additional meeting or opportunity for tribal planning participants to engage with FloodSAFE personnel.

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Summary of Points:

- FloodSAFE planning efforts focus more on Major dams than on watershed planning.
- A Consortium of Tribes may be an effective means of accessing and coordinating Flood SAFE planning and projects (response plans, emergency planning, etc.) within tribal lands.
- A need for greater tribal involvement in programmatic agreements and fund allocation was expressed.

Integrated Regional Water Management Planning Presentation

Chris McCready, Chief of the Regional Planning Branch, oversees Integrated Regional Water Management (IRWM) planning. An integrated approach is vital to current future water resource planning, management, and protection. She explained that the IRWM approach evolved out of past updates of the California Water Plan. Originally, the IRWM program was structured as a financial incentives and grant program. It is now becoming an organizing principle for local and regional discussions on how to operate and maintain water resources. The planning branch is the counterpart to the financial assistance branch. The planning branch is working on a strategic plan to define objectives and to set work priorities; they will be very involved with Regional Forums. Also, an IRWM conference is planned for April, emphasizing a cross-boundary, cross-discipline approach that promotes greater inclusion and mutual benefits.

Questions and Comments

Suggestion: Kamyar Guivetchi stated that the IRWM conference should have a Tribal panel.

Comment: There is a requirement that no less than 10% of bond funding go to disadvantaged communities. Tribes are eligible for funding as DACs. This provides a good opportunity to develop proposals for IRWM groups.

Comment: If a region comes up with a plan, it has to meet standards – including Tribal participation. Projects will be awarded points if they involve Tribes.

Summary of Points:

- IRWM conferences and planning efforts should have a Tribal panel and representation.
- There is a need to outreach to Tribes and tribal communities of the availability of Disadvantage Community status for bond funding.
- Regional planning efforts should be required to engage Tribes and tribal communities. There should be built-in incentives for encouraging greater tribal participation.

Action Items

- Post contact information for all speakers
- Post link to IRWMP website mentioned by Environmental Justice Coalition for Water

Tribal Engagement Scoping Workshop DRAFT Summary

- Address issue of privatization of water
- Look to minimize scheduling conflicts for water resource meetings
- Send out note to TCC members explaining status and next phase of Tribal engagement
- Schedule joint meetings of the TAC and SC, develop other mechanisms to ensure that state agencies are hearing Tribal concerns, interests and suggestions.
- Look for opportunities to include recommendations from the Tribal Water Summit in the Water Management Progress report
- Follow-up on 2009 Tribal Water Summit strategies and concerns.
- Clarify role of TAC members in Tribal Engagement Proposal.
- Identify or create venues for Tribes to participate in local emergency preparedness and response plans
- See also summary of Points.

Next Steps

Tribal Engagement Recap Conference Call:

September 28, 2010

Comments on the Tribal engagement proposal, including the formation of a Tribal Advisory Committee, and comments on the Update 2013 content enhancements are requested by October 1, 2010, to Lewis Moeller, DWR, P.O. Box 942836, Sacramento, CA 95436-0001, or via email to lmoeller@water.ca.gov

DEADLINE: October 1, 2010

Tribal Engagement Scoping Workshop DRAFT Summary

Glossary of Acronyms and Abbreviations:

CalEPA – California Environmental Protection Agency

CWP – California Water Plan

DAC – Disadvantaged Community status

DWR – Department of Water Resources

PAC – Public Advisory Committee

RMS – Resource Management Sources

SC – Steering Committee

SWAN – Statewide Water Analysis Network

TAC – Tribal Advisory Committee

TCC – Tribal Communications Committee

USGS – United States Geological Survey

Tribal Engagement Scoping Workshop DRAFT Summary

Attendance:

Mary Adelzadeh, Stewardship Council
Steve Archer, Big Valley Rancheria
Todd Bedrosian, Bedrosian and Associates
Sirirat (Tia) Chullaborn, Kashia Band of Pomo Indians
John Covington, Morongo Band
Coyote Valley Tribe of Pomo Indians
Debbie Davis, Environmental Justice Coalition for Water
Ron Goode, North Fork Mono Tribe
Julie Griffith-Flatter, Sierra Nevada Conservancy
Ben Hawthorne III, Hopland Band of Pomo Indians
Deborah Hirsch, Bedrosian and Associates
Kim Johnston-Dobbs, CalTrans Native American Liaison Branch
Raymond Leon, Campo Band of Mission Indians
Donna Miranda-Begay, ITCC and Tubatlabuls of Kern Valley
Christina Mokhtarzadeh, US Bureau of Indian Affairs – Riverside Office
Randall Moos, AWS Inc.
Joseph Mount, AWS Inc.
David Ortiz, AP Rainwater Harvesting and Greywater Gardens
Horacio Paras, CalTrans
Frank Ramirez, Native American Indian Veterans
Dean Rogers, Robinson Rancheria
Mike Schauer, Elem Pomo Tribe
Oscar Serrano, Colusa Indian Colony
Javier Silva, Sherwood Valley Band of Pomo
William Speer, Shasta Indian Nation
Atta Stevenson, California Indian Heritage Council
Shanti Warlich, Inter-Tribal Water Commission
John Warpeha, Washoe Tribe of Nevada and California
Ron Wood, Native American Heritage Commission
Randy Yonemura, Inter-Tribal Water Commission

Kamyar Guivetchi, DWR, Manager, Statewide Planning Branch
Paul Massara, DWR, Update 2013 Program Manager
Lew Moeller, DWR, Update 2013 Project Manager
Barbara Cross, DWR, Tribal Liaison
Nikki Blomquist, DWR, Publications Office
Tito Cervantes, DWR, Northern Region Office
Michelle Dooley, DWR, South Central Region Office
Hoa Ly, DWR, Statewide Flood Management
Chris McCready, DWR, Chief, Regional Planning Branch
Michael Mierzwa, DWR, Department of Flood Management
Mary Randall, DWR, Northern Region Office
Terri Wegener, DWR, Statewide Flood Management
Scott Woodland, DWR, Regional Coordinator
Stephanie Lucero, Facilitator, Indian Dispute Resolution Services
Dorian Fougères, Center for Collaborative Policy
Judie Talbot, Center for Collaborative Policy